

CONTINUING EDUCATION REGULATIONS

RE 312 (Rev. 8/08)

3005. Definitions.

As used in this article, the following definitions will apply:

- (a) "Clock hours" means 50 minutes actually spent in any combination of presenting course content, seminar, conference discussions, or workshop activity.
- (b) "Approval" or "approved" with reference to an offering means a determination by the Department that the appropriate hours of continuing education credit will be given to licensees who have successfully completed the course within the time period specified by statute.
- (c) "Final examination" means the test by which the sponsor, after completion of a continuing education offering, determines whether a participant has successfully completed the offering according to standards previously approved by the Department.
- (d) "Material change" as used in Section 3007.2 means a significant deviation, in one or more aspects, from the offering as approved by the Department including a change in curriculum, course length, method of presentation, workbooks, texts, or syllabi, but not including changes designed exclusively to reflect recent changes in statutes, regulations or decisional law.
- (e) "Completed" as used in Sections 3006, 3006.1, and 3013 in reference to a continuing education offering, means the date of successful completion of a final examination.

3006. Criteria for Approval of Offerings.

In acting on an application for approval of a continuing education offering, the commissioner shall apply, but shall not be limited to the application of, the following criteria:

- (a) The offering shall have at least one successive clock hour of instruction.
- (b) For other than a correspondence course offering, participants shall be physically present.
- (c) For other than a correspondence course offering, a sponsor shall provide written materials, including a course outline, to each student. The written course outline shall consist of not less than three pages for each clock hour of instruction.
- (d) A continuing education offering shall have an appropriate form of final examination, such as, but not limited to, multiple choice, essay or oral examinations.
- (e) Instructors, conference leaders, lecturers, and others who present a continuing education requirement offering shall meet at least one of the following qualifications:
 - (1) A bachelor's degree in a related field to that in which the person is to teach, from a school listed as an institution

of higher learning by the U.S. Department of Education, or from a comparable school of a foreign country.

- (2) A valid teaching credential or certificate issued by the Board of Governors of the California Community Colleges or by a comparable California teacher-credentialing agency authorizing the holder to teach in the field of knowledge covered in the offering.
 - (3) Three years full-time experience in the applicable field.
 - (4) Any combination of at least three years of full-time experience and college level education in the applicable field.
 - (5) The commissioner may approve instructors who in his or her judgment meet the criteria for approval or who otherwise evidence their teaching qualifications by education or experience or a combination of the two.
- (f) An instructor shall not be qualified if the instructor:
- (1) Does not satisfy the criteria in subdivision (e).
 - (2) Has engaged in any violation of Article 25 (commencing with Section 3005) of these regulations or has engaged in conduct which would have warranted the denial of an application for approval or withdrawal of approval of a continuing education offering.
 - (3) As a real estate licensee has had that license suspended, revoked or restricted as a result of disciplinary action.
 - (4) Acted or conducted himself or herself in a manner which would have warranted the denial of his or her application for a real estate license.
- (g) A correspondence course shall consist of adequate study materials to assure that the course cannot be completed in less time than the number of hours for which it is approved.
- (h) Every sponsor shall maintain on file with the commissioner a current address.
- (i) Beginning on January 1, 2004, the sponsor shall notify each student that an evaluation form is available on the Department's internet website for on-line evaluation of courses and instructors.

3006.1. Expiration of Approval.

If an offering had approval at the time of registration by a licensee, credit for the offering shall be given to the licensee at the time of license renewal notwithstanding the fact that approval had expired and had not been renewed or reinstated at the time that the applicant successfully completed the offering.

3007. Application for Offering Approval.

An application for approval of a continuing education offering shall be made on a form prescribed by the Department not less than 90 days before the proposed commencement date of the offering. The application shall be accompanied by the fee and include at least the following:

- (a) The name, address and telephone number of the applicant.
- (b) Summary of the offering including:
 - (1) Title.
 - (2) Textbook(s) and student materials prescribed.
 - (3) Outline or syllabus.
 - (4) A statement whether the offering is intended to comply with Business and Professions Code section 10170.5(a) (1), (2), (3), (4), (5) or (6).
 - (5) Disclosure of the method of offering presentation.

3007.05. Forms of Identification Accepted.

A participant shall present one of the following forms of identification immediately before admittance to a live presentation of an offering or, immediately before the administration of the final examination for a correspondence offering.

- (a) A current California drivers license.
- (b) A current identification card described in Section 13000 of the California Vehicle Code.
- (c) Any identification of the participant issued by a governmental agency or a recognized real estate related trade organization within the immediately preceding five years which bears a photograph, signature and identification number of the participant.

3007.2. Material Change in Course Offering.

- (a) Any proposed material change to an approved offering shall be submitted by the sponsor to the Department for consideration and approval prior to use.
- (b) A material change as defined in Section 3005(d) shall require a new application and fee.

3007.3. Final Examination Rules.

- (a) Sponsors shall establish and participants shall observe the following final examination rules for approved offerings:
 - (1) The final examination shall provide for the testing, examination or evaluation of participants. The sponsor shall take steps to protect the integrity of the examination and to prevent cheating in an examination.
 - (2) The examination shall not be taken by participants until completion of the instructional portion of the offering to which the examination applies.
 - (3) Participants taking a correspondence offering shall be limited to completion of final examinations for that offering for a maximum of fifteen credit hours during

any one 24 hour period.

- (b) A violation of a final examination rule by the sponsor or the sponsor's representative administering the examination shall constitute grounds for denial or withdrawal of approval of the offering.
- (c) To pass the examination, a participant must achieve a percentage score of 70 percent or more.
- (d) Time involved in the final examination process may be included in establishing "clock-hours" for the offering.

3007.6. Advertising and Promotional Material.

- (a) All advertising and promotional material for a continuing education offering shall:
 - (1) Not include false or misleading statements or representations.
 - (2) Classify the offering in accordance with Section 10170.5(a) of the Code.

3008. Offerings Not To Be Approved.

The commissioner shall not approve a proposed continuing education offering that includes any of the following subject matter or conditions:

- (a) Offerings which do not address the subject matter areas set forth in Business and Professions Code section 10170.5.
- (b) Sales promotion.
- (c) That portion of any offering devoted to the consuming of meals or to transporting participants to and from sites to be viewed or inspected as part of the offering.
- (d) Any offering for which approval has been denied or withdrawn pursuant to section 3010.
- (e) Any offering substantially similar to and offered by the sponsor of an offering for which approval has been denied or withdrawn pursuant to section 3010.

3009. Fees.

- (a) Approval by the Department of a continuing education offering shall be for a term of two years from the date of approval or from a date specified by the Department in granting the approval. The fee for processing the application for approval of an offering of three or more hours duration shall be \$500. The fee for processing the application for approval of an offering of less than three hours duration shall be \$350.
- (b) The fee for processing a petition for continuing education credit based upon a claim of equivalency by the petitioner pursuant to subdivision (c) of Section 10170.4 of the Code shall be \$60.

3010. Denial or Withdrawal of Approval.

- (a) If the commissioner determines that a previously-approved continuing education offering no longer meets the prescribed statutory and regulatory standards for approval, or if the commissioner determines that an instructor or lecturer for

the course is no longer qualified, or that the course sponsor has engaged in activity violating the provisions of Article 25 (commencing with section 3005) of these regulations or has engaged in conduct which would have warranted the denial of an application for approval or withdrawal of approval of a continuing education offering, or the course differs materially from that which was previously approved, the commissioner shall give written notice of withdrawal of approval setting forth the reasons for the determination. If the commissioner determines, following an application for course approval, that the course will not meet the prescribed statutory and regulatory standards for approval or if the commissioner determines that the instructor for the course is unqualified, the commissioner shall give written notice of denial of approval setting forth the reasons for the determination. Withdrawal or denial of approval will be effective 30 days after the notice of withdrawal or denial is received by the sponsor unless the sponsor earlier files a written request for hearing on the withdrawal or denial action. If the request for hearing is received by the commissioner before 30 days after the date of receipt of notice of withdrawal by the sponsor, the withdrawal or denial of approval shall not be effective unless and until ordered by the commissioner pursuant to findings and conclusions reached after hearing pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. The hearing shall be commenced within 30 days after receipt of the request for hearing unless continued to a later date by order of the commissioner or by agreement of the parties. In a hearing on an order of withdrawal issued by the commissioner, the burden of proving that the course does not meet the prescribed statutory and regulatory standards for approval shall be on the commissioner. In a hearing on an order of denial issued by the commissioner, the burden of proving that the course meets the prescribed statutory and regulatory standards for approval shall be on the applicant.

(b) Petition for Reinstatement.

- (1) The sponsor of an offering for which approval has been withdrawn pursuant to subdivision (a) may, after a period of not less than one year has elapsed from the effective date of the withdrawal of approval, petition the commissioner in writing for reinstatement of approval of the offering. The petitioner shall be given the opportunity to present in writing argument and other evidence, statements or matters in support of the petition. The commissioner shall decide the petition and the decision and the decision shall include the reasons therefor.
- (2) Upon a showing of good cause, the commissioner may allow the filing of a petition for reinstatement prior to the expiration of one year from the effective date of the withdrawal of approval.

3011. Equivalent Activities Criteria.

- (a) The primary consideration in determining whether a specific activity qualifies as an acceptable alternative to attendance at

approved continuing education offerings is that it must include either presentation, development, authorship or research of information and materials designed to contribute directly to assuring that licensees maintain a reasonable currency of knowledge as a basis for a level of real estate practice as set forth in Business and Professions Code Section 10170.4.

(b) Equivalent activities may include but not be limited to:

- (1) Attendance at courses not approved by the Commissioner.
- (2) Instructing others in approved continuing education for real estate license renewal.
- (3) Instruction or presentation of real estate related topics if the petitioner can demonstrate that the material conveyed contained reasonably current information designed to assist real estate licensees in providing a high level of consumer protection or service.
- (4) Authorship of published professional articles, periodicals or books on current real estate procedures and law.
- (c) Activities engaged in during the course of a licensee's normal occupation shall not be acceptable for a claim of equivalency unless such activities comply with subsections (a) and (b).
- (d) Development of real estate education programs shall be given continuing education credit if the program would otherwise meet the requirements necessary for approval for continuing education credit.
 - (1) Sole authorship or development of a real estate educational program shall be credited upon an approved petition, with two hours continuing education credit for each hour of the program entitled to continuing education credit.
 - (2) Multiple authorship and development of a real estate educational program shall be credited, upon approval of a petition, based on the percentage each author or developer contributed to the total offering.

3011.1. Petitions for Equivalency for Course Instruction.

- (a) For instruction of real estate related courses not approved for continuing education, submit a statement under penalty of perjury which includes at least the following information:
 - (1) The petitioner's qualifications to teach the course.
 - (2) The title of the course.
 - (3) The date and location the instruction took place.
 - (4) Clock hours of instruction.
 - (5) Titles and description of instruction materials used including the date of publication, and an outline or syllabus of the course.
 - (6) Any other information useful in determining that the course will contribute to current knowledge as set forth in Business and Professions Code Section 10170.4.
 - (7) A statement by the course sponsor or school that the

petitioner taught the course.

- (b) Instructors of approved continuing education courses may receive a certificate of completion for the number of hours actually spent in instruction at one presentation of the course.

3011.2. Petitions for Equivalency for Authorship of Articles or Books.

- (a) Submit a copy of the published article or book.
- (b) Submit a statement signed under penalty of perjury which includes at least:
 - (1) The date of publication of the article or book.
 - (2) An explanation of how the material published meets the criteria of Section 3011.

3011.3. Petitions for Equivalency for Development of Real Estate Programs, Laws, and Research.

- (a) If the claim for continuing education credit is based upon development of education programs, submit a statement under penalty of perjury including at least the following information:
 - (1) A clear and complete description of the education program.
 - (2) A description of the role of the petitioner in developing the program.
 - (3) The number of hours the petitioner devoted to development of the program.
 - (4) The period during which the program was developed.
 - (5) An explanation of how the development of the program meets the standard of Section 3011.
- (b) If the claim involves development of real estate law or research, submit a statement under penalty of perjury that includes at least:
 - (1) A detailed description of the law affected or the research performed.
 - (2) The number of hours devoted to the research or development of law.
 - (3) An explanation of how the petitioner's participation meets the standard set forth in Section 3011.
 - (4) A copy of the research report or of the law developed shall be attached to the petition, if the report or law exists. If research support data is not available, the Commissioner may request whatever additional information is needed to support the claim.

3011.4. Petitions for Equivalency for Attendance at Unapproved Programs.

- (a) The Commissioner, when acting upon a petition for continuing education credit for completing a course that is not approved,

shall apply the criteria set forth in Sections 3006 and 3007.3.

- (b) The applicant shall submit a petition under penalty of perjury including at least the following information:
 - (1) The name, address, and telephone number of the course sponsor or school.
 - (2) The title of the course.
 - (3) The title, publisher, and date of publication of any text or course material used.
 - (4) The number of clock hours attended.
 - (5) Any outline or syllabus.
 - (6) A final grade report for the final examination(s) and a list of reading assignments with page references.

3012. Extension Conditions.

An extension of the time for completing the continuing education requirements may be obtained by submitting with the regular renewal application evidence showing that applicant was unable to comply with the continuing education requirements. Such evidence may be (1) health reasons preventing attendance, (2) active duty in the military service with assignment to a permanent duty station outside of the state during the last 18 months of a license period, or (3) other compelling cause beyond the control of the applicant while engaged in the real estate business.

The Commissioner may extend an otherwise expired license while investigating such evidence for not to exceed 90 days if he finds applicant can reasonably be expected to be found to meet minimum requirements for renewal under this Article.

3012.2. Record Keeping.

The sponsor shall maintain a record of attendance of each participant, for a period of five years, sufficient to allow for the preparation of a duplicate certificate upon request by a participant.

3012.3. "Good Standing" Defined.

The term "good standing" as used in Section 10170.8 of the Code does not include any time when the license was expired.

3013. License Renewal Procedure.

In making application for renewal of a real estate license, the applicant shall provide such information as the Department may require concerning continuing education offerings that the applicant has completed within the four years immediately preceding expiration of the license or in the case of an application made pursuant to Section 10201 of the Code within the four years immediately preceding the date that the application is submitted to the Department. If requested by the Department, the applicant shall submit certificates of attendance or certified copies thereof from sponsors of approved offerings to substantiate information provided by the applicant.